

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Case: WP(C) No. 274/2025
CM No. 529/2025
CAV No. 29/2025

Jagdev Singh and Ors.

..... Petitioner(s)

Through :- Mr. R.P. Sapolia, Advocate

Vs

U.T. of J&K and Ors.

.....Respondent(s)

Through :- Ms. Sagira Jaffar, Advocate vice
Mrs. Monika Kohli, Sr. AAG for R- 1 to 3
Mr. Pawan Kr. Khajuria, Advocate for R- 4 to 6

CORAM:
HON'BLE MR. JUSTICE WASIM SADIQ NARGAL, JUDGE

ORDER
07.02.2025

CAV No. 29/2025

With the appearance of Mr. Pawan Kr. Khajuria, Advocate for the caveators, the caveat stands discharged.

WP(C) No. 274/2025

01. After arguing for a while, learned counsel for the petitioners submits that he is not aggrieved of the observation, which has been made by the learned Financial Commissioner, Revenue while passing the impugned order dated 31.12.2024, whereby, the matter has been remanded to the concerned Tehsildar for de-novo enquiry and fresh order was required to be passed in presence of all the concerned parties. However, he is aggrieved of the observations made by the Financial Commissioner, Revenue while passing the

order impugned dated 31.12.2024 wherein in para 7, the learned Financial Commissioner has made certain observations which may influence the concerned Tehsildar to conduct fresh enquiry.

02. Learned counsel for the petitioners further submits that he would feel satisfied that in case the matter is remanded to the concerned Tehsildar, who may conduct the de-novo enquiry after hearing all the stakeholders but without being influenced by the observations made by the Financial Commissioner.

03. Heard learned counsel for the parties at length and perused the record.

04. Issue notice, which is waived by Ms. Sagira Jaffar, Advocate appearing vice Mrs. Monika Kohli, learned Sr. AAG on behalf of respondent nos. 1 to 3 and Mr. Pawan Kr. Khajuria, Advocate on behalf of respondent nos. 4 to 6. Learned counsel for the respondents is not averse to the aforesaid proposal made by learned counsel for the petitioners.

05. Accordingly, with the consent of learned counsel for the parties, the instant petition is taken up for final disposal at this stage by directing concerned Tehsildar to conduct the de-novo enquiry and pass fresh order after hearing all the concerned stakeholders, but without being influenced by the observations made by the Financial Commissioner, Revenue in the order dated 31.12.2024, which is impugned in the present petition. Parties are directed to appear before the concerned Tehsildar on 17.03.2025.

06. This Court after hearing both the parties do not find any legal infirmity with the order passed by the learned Financial Commissioner, Revenue, which is simply an order by virtue of which the matter has been remanded back to the appropriate authority for conducting de-novo enquiry after hearing all the

stakeholders and both the parties are at liberty to appear before the Tehsildar Bhalwal, who shall proceed in accordance with law and pass appropriate orders.

07. The writ petition is *disposed of* in the manner indicated above along with all connected application(s).

(WASIM SADIQ NARGAL)
JUDGE

JAMMU
07.02.2025
Mihul

